

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) Charles F. Cardone 098159
(Name of Plaintiff) (Inmate Number)

SEE ADDITIONAL
(Complete Address with zip code)

(2) SHEETS
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) SEE

(2) ADDITIONAL

(3) SHEETS
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

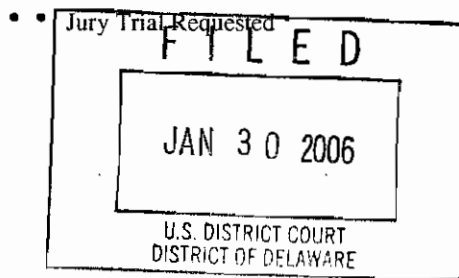
I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Related Cases: 1:00-cv-00118-RRM
1:00-cv-01609-KAJ
1:03-cv-00514-KAJ
1:05-cv-00536-KAJ

1:05-cv-00600KAJ
(Case Number)
(to be assigned by U.S. District Court)

CIVIL COMPLAINT



II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ••Yes••No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ••Yes••No
- C. If your answer to "B" is Yes:

1. What steps did you take? I have exhausted SCI's available administrative remedies pursuant to 42 USC § 1997e(a)
2. What was the result? I was transferred to DCC, Smyrna, where I am now.

- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: Jonathan Baker
- Employed as C/O at Sussex Correction Inst. (SCI)
- Mailing address with zip code: PO Box 500 Georgetown, DE
19947

- (2) Name of second defendant: Chaffinch
- Employed as C/O at SCI
- Mailing address with zip code: PO Box 500 Georgetown, DE
19947

- (3) Name of third defendant: FLOYD
- Employed as C/O at SCI
- Mailing address with zip code: PO Box 500 Georgetown, DE
19947

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

yes

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. This is a complaint for damages brought under 42 U.S.C. § 1983, in connection with three (3) unprovoked attacks (the defendants named represent one (1) attack) on Plaintiff Charles F. Cardone, a prisoner at DCC at Smyrna
2. (at the time of the three (3) unprovoked attacks) by defendants, Jonathan Baker, CHAFFINCH, Floyd, prison (SCI) correctional officers. the attack on Plaintiff was a violation of my constitutional rights under the Eight
3. Amendment's prohibition against cruel and unusual punishment. At the times of the above attacks on plaintiff, plaintiff was in pre-trial, detainee status at Sussex Correctional Institution in Georgetown, DE

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Plaintiff prays for relief as follows: 1) that the court enter judgment declaring the acts of defendants violated the rights of plaintiff under the Eighth Amendment of the United States Constitution....

- 2.) That the court award general damages to plaintiff. (3) that the court award punitive damages to plaintiff...
- 4) that the court grant such other further relief to plaintiff as it deems appropriate.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 12 day of January, 2006.

Charles F. Carbone

(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

ADDITIONAL SHEETS

Address of Plaintiff -

CHARLES F. CARDONE

SBI # 098159 • BLDG. - SHU(19)B8L

DELAWARE CORRECTIONAL CENTER

1:05-CV-00600 KAT

1181 Paddock Road

Smyrna, DE 19977

- Name of Defendants -

c/o Jonathon Baker - SCI

c/o Chaffinch - SCI

Warden Richard Kearney - SCI

CPT Timothy Winstead - Commander

DE State Police, Troop 4

23652 Shortley Road

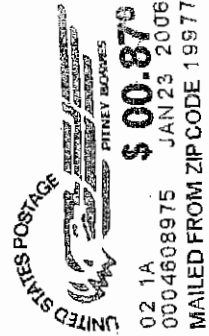
Georgetown, DE 19947

IM Charles F. Cardone
SBI# 098159 UNIT SMU(19)B8L
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

LEGAL
M.

CLERK

U.S. District Court
Lockbox 185F
844 N. King St.
Wilmington DE
19801



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